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position of a salt, hitherto rebellious to his analysis. Wait till he has made known to the universe a new acid: then perhaps you will be permitted to discourse with him about the infinite Being, who has created, as in sport, the universe and all that it contains. This other man composes a history, a poem, a play, a romance, on which he imagines his glory depends; do not disturb him—he must make haste, for death approaches—and what inconsolable grief, if it arrive before he has put the last touch to his fame! It is true that he is ignorant of his own nature, of the place which he occupies in the order of beings, of his future destinies, of what he may hope, of what he ought to fear; he does not know whether there exists a God, a true religion, a heaven—a hell—but he has long since taken his side in these matters, he does not disquiet himself—he does not think of them. These things are not clear, says he; and immediately he acts as if it were clear that they were only dreams.' p. 290.



ART. XXI.—1. *Gaii Institutionum Commentarii IV. e codice rescripto bibliothecæ capitularis Veronensis, auspicis Regiae Scientiarum Academicæ Borussicæ nunc primum editi. Accedit Fragmentum veteris jurisconsulti de jure fisci, ex aliis ejusdem bibliothecæ membranis transcriptum.* Berolini. 1820. 8vo. pp. 348.

2. *Uphilæ partium ineditarum in Ambrosianis palimpsestis ab Angelo Majo repertarum specimen, conjunctis curis ejusdem Maji, et Caroli Octavii Castillionæ editum.* Mediolan. 1819. 4to. pp. 60.

THESE two works seem to us among the greatest literary curiosities of the day. Though they have of course no other connexion, we mention them together for the similarity of fortunes which they have experienced. Of the first of them, the *Institutions of Gaius*, we do not remember to have seen a notice in any English or American journal. The discovery of the work, of which the second is a specimen, has been mentioned in the British journals, and also in our own, but we have seen no notice of the publication itself.

The length of time for which the learned of Europe had been engaged in the study of antiquity, and the diligence with which the libraries of manuscripts had been explored, had very nearly exhausted all hope of discovering any more remains of the ancient literature. Delusive hopes were occa-

sionally thrown out of recovering some of the Latin and Greek classics from the Arabian translations, supposed to have been made of them under the Caliphs ; and Erpenius gives us the assurance of a respectable traveller, that the *decades* of *Livy* were in existence in the library of the emperor of Morocco at Fez. These same precious *decades* were also reported to be in the Sultan's library at Constantinople ; and we have lately observed a revival of similar fairy tales.

The discovery of an ancient library at Herculaneum, of seventeen or eighteen hundreds of manuscripts, known to be nearly eighteen centuries old, and the invention of a method of unrolling and decyphering them, gave a new impulse to the curiosity of the learned, and excited new hopes of the discovery of some of the lost treasures of ancient literature. We have in preparation an account of the efforts, which have been made in unrolling the Herculanean manuscripts, from the earliest attempts down to the late unsuccessful project of Dr. Sickler, to which such liberal patronage was extended by the British government, and the experiments of Sir Humphrey Davy, of which the result is not yet ascertained. In general, it is well known that all the hopes founded on the Herculanean rolls have been most vexatiously disappointed ; that nothing of great interest has been discovered ; and that what has been discovered has been so much mutilated in the process of unrolling as to be rendered nearly worthless.

A new hope was excited a few years since by the discoveries of the Abbé Maio, in the Ambrosian library at Milan, and this hope has as yet received all reasonable fulfilment. Such of our readers as take an interest in this subject are acquainted in general with his discovery of several lost works of antiquity ; among them, the letters of Fronto, some fragments of Cicero, and an epitome of the Roman antiquities of Dionysius of Halicarnassus, of which the portion that represents the lost books has been printed.

These discoveries, it is well known, have been made in what are called *codices rescripti*, or now more frequently by the Greek name *palimpsesti*. It was an obvious resort, in the scarcity and dearness of parchment, to take an old manuscript, and efface the writing from it, in order to make way for a new work which was valued higher. The taste of the age would of course decide what works should be erased and

what substituted as more valuable ; and it is easy to conceive that, in the middle ages, Cicero and Euripides would stand but an indifferent chance when weighed in the scales with the epistles of a church father, or the acts of an ecumenical council. Nay there are many cases already discovered, in which the scriptures themselves have been effaced to make way for homilies and legends.

In fact, one of the oldest manuscripts of the scriptures had long been known as a re-written one. It is that, which is described by Wetstein in his preface to his New Testament, as number C.* It contains externally some of the Greek works of Ephrem the Syrian, to make room for which valuable compositions, as was first discovered by Dr. Peter Allix, the scriptures of the Old and New Testament were effaced. The discovery of this manuscript does not appear to have excited the attention which it deserved, nor do we hear much again of codices rescripti, till the discoveries of Mr. Maio at Milan again called the public attention to them. That celebrated scholar found that many of the manuscripts in the Ambrosian library at Milan were thus re-written, some of them even a second time ; and that the ancient ink had penetrated so deeply, that by the application of chemical agents it could be drawn out and rendered legible. We have already alluded to the additions which he has made to ancient literature by the works thus discovered ; and the two works which stand at the head of this article, of which one, however, alone was found by Mr. Maio, will, we think, prove more interesting and valuable, than any thing in this way which has yet been found.

The first of them, the *Institutions of Gaius*, or *Caius* as he is commonly called, is a treatise on the civil law of the Antejustinian age. This work, in its original form, had shared the fate of most of the two thousand works on the preceding jurisprudence, from which the Pandects were compiled, and was lost. An epitome of it, however, was in existence, prepared by order of Alaric II, king of the Visigoths, by Anianus his *referendary*, and constituting, with other similar epitomes of the elder codes, and of some treatises of Ulpian and Paulus, a *corpus juris* for the Visigoths. This compilation had survived the chances of time, and, under the name of *Corpus Juris Alaricianum*, was familiar to

* *Prolegomena*, p. 27.

civilians, and formed the chief amount of the Antejustinian-anean law.

Such was the state of things, when in the year 1816, we think, the baron Niebuhr, nephew of the well known Arabian traveller, and a professor in the university at Berlin, was, with great liberality on the part of the Prussian government, appointed minister resident at Rome, in the avowed design of affording him an opportunity of revising and perfecting on the spot his work on the Roman history, to which we have already alluded in a preceding article of this number. Two volumes only of this history as yet are published, and we believe it to be the opinion of those authorized to judge, that it takes precedence, as well for ingenuity as learning, of every thing which has been written on the early periods of the history of Rome. At the same time we are as yet inclined to look upon his peculiar theory of the origin of the Roman state as paradoxical.

Mr. Niebuhr made his journey to Italy, at a time when the discoveries of the Abbé Maio had excited great sensation in the learned world. He stopped at all the libraries of manuscripts as he passed, and as he informs us in a letter published in the Berlin journal for the history of the civil law, he discovered at Würzburg and Munich some re-written manuscripts of the scriptures. But on his entrance into Italy he had the good fortune to make a discovery of this kind, which must be allowed to be the most brilliant of the kind which has yet taken place. In the course of a two days' visit at Verona, he discovered in the library of the cathedral of that city a re-written manuscript of the entire *Institutions of Gaius*, of which, as we just observed, nothing but the epitome, compiled for the Visigoths, had been preserved.

This discovery was immediately made known to the public in a letter addressed by Mr. Niebuhr to Messrs. Savigny, Gœschen, and Eichhorn, jun. the conductors of the journal to which we have just alluded.* It is from this letter that we derive the principal details of Mr. Niebuhr's discoveries, for we are surprised to find in the edition of Gaius himself, which is before us, not a word of preface, introduction, or prolegomenon, by which any thing relating to the work could be learned. But we would not have our readers flatter themselves that it will end here; for we much mistake if

* *Zeitschrift für Geschichtliche Rechtswissenschaft*, vol. iii. p. 129.

this delusive forbearance do not forebode a volume of notices, illustrations, comments, and appendices, far beyond the magnitude of the text itself.

From the letter of Mr. Niebuhr it appears, that in his short visit at Verona, he was so fortunate as to discover, 1. a leaf from an ancient jurist hitherto unknown, evidently Antejustinianean, and ascribed by Messrs. Niebuhr and Savigny to Gaius; 2. two separate leaves much damaged of an unknown ancient jurist; and 3. a codex *rescriptus* of an ancient jurist, since found to be the *Institutions of Gaius*, of which an edition is now published, under the title, as we have given it at the head of our article.

The two first articles are, in point of extent, quite inconsiderable; and though now for the first time introduced to general notice, cannot be called new discoveries on the part of Mr. Niebuhr; since they were mentioned by Maffei eighty years ago in his *Verona Illustrata*, p. 464, and copied in part into the appendix of another work of that remarkable scholar, called *Dottrina della Grazia*, p. 56—94. Notwithstanding, however, the reputation of Maffei, and his well deserved character for almost universal scholarship, it will readily be conceived, that neither the *Verona Illustrata*, nor the *Doctrine of Grace*, were depositaries of these fragments, very favorable to their circulation among the civilians. That fragment of antiquity, however, must be well hid which a German scholar will not find out; and it is justly mentioned by Savigny, as a remarkable coincidence, that at the moment when these leaves were now detected again by Mr. Niebuhr in a decayed manuscript at Verona, they should have attracted the notice of Mr. Haubold, professor of the law at Leipzig, who had accidentally fallen upon them in the work of Maffei, and had made them the subject of a *Program*. Short as the fragments are, they illustrate some points of the Roman law, as is minutely stated by Mr. Haubold, in a subsequent number of the journal above mentioned.

But it is the third article, the *Codex Rescriptus*, now found to be the *Institutes of Gaius*, which is far the most valuable, of which the credit of the discovery belongs exclusively to Mr. Niebuhr, a credit enhanced by the fact, that this important relic of antiquity had escaped the notice of so skilful a person as Maffei, who was for a long time, moreover, conversant with the library over which Mr. Nie-

buhr only had the opportunity of casting a rapid glance. 'I have yet to communicate to you,' writes Mr. Niebuhr, 'the most important tidings, viz. that there is preserved at Verona as much of an ancient jurist, as would fill a moderate octavo volume, of which, however, I have been able only to transcribe one leaf as a specimen and a proof. I had begun even at Würzburg to look out for *Rescripta*, and soon found one, which contained however only fragments of the *Itala*. [the Latin version of the scriptures, which preceded St. Jerome's.] At Munich, I looked through all the ancient manuscripts and parchments, but found among them all but one *Rescriptus*. It was a portion of the bible under St. Jerome and St. Gennadius de Vitiis. At Verona, however, a better fortune awaited me. The manuscript, number thirteen, containing epistles of St. Jerome, a pretty thick quarto volume from the ninth century, is written over again with the exception of at most a fifth part, which appears to have been new. Of the part originally written and effaced, a portion is theological, but by far the greatest part jurisprudence. It is written in the same hand as the leaf of Gaius just described. The volume is of good size and the margin broad. Single words of a pale colour could be distinguished in the parts where the old and new lines do not exactly coincide, and from these the subject of the work could be conjectured, though nothing farther could be ascertained without chemical means. As the best *agents* were not to be had at Verona, I was obliged myself to prepare in haste an infusion of galls, which, though it but imperfectly answered the purpose, showed at least what might be effected by the hydro-sulphate and the prussiate of potash. According to my conjecture, it is a work of Ulpian.'

Mr. Niebuhr, as has appeared, was less fortunate in his conjecture than in his discovery, and it has turned out to be the *Institutions of Gaius* as Mr. Savigny more correctly anticipated.—Scarce was the discovery known in Germany, when the Prussian government despatched two scholars to transcribe the manuscript for publication. The persons deputed on this errand were Professor Gœschen, a respectable jurist, whom we have just named as one of the conductors of the journal for the history of the civil law at Berlin, and Professor Bekker, well known for his incredible diligence in the collation of manuscripts, to whom we are indebted for an

edition of the entire works of Plato from a new collation of fifty manuscripts of the whole or parts of his dialogues; for the *Anecdota Graeca*; and for the first edition of Apollonius *Dyscolus* on the pronoun, contained in Wolf's museum. Mr. Bekker also had the singular good fortune to 'refind at Ravenna the renowned manuscript of Aristophanes, which had been deplored for the last twenty years in England and Italy as lost, but which by some oversight, not very much to the credit of these whose business it was to see plainer, appears to have been all the time lying unobserved in the library at Ravenna.

Committed to such good hands, the manuscript of Gaius was transcribed, with all expedition, and a copy of it had been already made in the autumn of 1818. By what cause the edition has been so long delayed does not appear; not, we presume, the preparation of the notes, for though the short commentary at the foot of the page appears, from a cursory inspection, to have been drawn up with great erudition, yet it is a learning of the kind which stands easily at the command of an experienced teacher of the science.

Of Gaius himself, the author of this rescued fragment, next to nothing is known. He is generally placed in the age of Adrian or the Antonines, but it has been proved by Mr. Hugo of Göttingen, that he must have written at least under Caracalla.* Some of the modern civilians have been scandalized that he should have descended to us with the simple name of Gaius, and have been inclined to argue from this circumstance that he is a fictitious personage, a paradox evidently untenable, and refuted by Meerman in the *animadversion* on Gaius, contained in the seventh volume of his *Thesaurus of the civil law*, p. 676, where may also be found various other details of his person and works, too minute to interest the general reader. For an enumeration of his works, and of authors who treat of him, we refer those who wish for farther information, to Fabricius' *Bibliotheca Latina*, ii. 525; to Hugo's *Manual of the history of the Roman law*, § 307, and to Haubold's *Institutiones*, i. p. 278, where an ample literary notice is given.

The quotations of Gaius by Boethius, by the author of the *Comparison of the Mosaic and Roman laws*, and in the *Pandects*, had furnished the means of rectifying some portions of the epitome of Anianus, and the whole mass was wrought

* *Civilist. Magaz.* vol. ii. p. 358.

together by the learned civilians of modern times, as nearly as possible into the original form. How far the fragments of the work existing in these several sources will assist in filling up the lacunæ and illustrating the readings of the new found manuscript remains to be seen by those, who may make a study of the work of Gaius. He was continually mentioned by the German civilians of the present day, even before the edition of his *Institutions* had left the press. The discovery of this manuscript was frequently pronounced to promise an *era* in the study of the Roman law, and to exceed in importance any other which had been made, since that of the manuscript of the *Pandects*. The subject is mentioned in this strain by Mr. Hugo, in an article in the *Göttingen Literary Journal*, for Jan. 1820, though the work then was not all printed. We are apprehensive, however, when we reflect on the mass of Roman law condensed into the *Corpus Juris*, and contained in the *Jurisprudentia Antejustinianæ*, as well as on the mutilated and illegible state in which the *Verona* manuscript appears to exist ; that, though single questions of learned jurisprudence may receive light from the discovery, yet no new point of great practical moment will be disclosed : and that the state of the manuscript will cause two doubts to be started for every one it settles.

The work is printed with great discretion. The lines, as they exist in the original, are parted off in the impression, and all the lacunæ of letters or words are left unsupplied in the text. In the margin they are filled up according to the probability of the case and the judgment of the editor, the correctness of which the reader has the means of estimating. In a second margin is the commentary, to which we have alluded.

But it is time to turn to the second work at the head of the article. This we have not had an opportunity of seeing, and are indebted for our knowledge of this interesting publication, to the *Göttingen Journal* for March 9, 1820. We alluded to the discovery, of which this is a specimen, in our number for January 1820, p. 122. The Gothic language is perhaps entitled to be considered the oldest of many kindred dialects of the ancient Teutonic stock, and is therefore interesting to us as the oldest form in which the ground work of our native tongue exists. Of this Gothic dialect, nothing (save some fragments too small to be named) was known to be

extant, but some remains of the translation of the scriptures made in the fourth century by the Bishop Ulphilas. These fragments, moreover, with a single exception, existed but in one manuscript, called the *Silver Manuscript*, from the circumstance that the letters were plated.

This manuscript is so curious, that our readers will pardon us for dwelling a moment on it. It is estimated to be a thousand years at least old, and till the beginning of the seventeenth century was preserved in the abbey of Werden in Westphalia. By some unknown accident it was transferred to Prague, in Bohemia, in the course of the thirty years' war, when it fell into the hands of the Swedes among the rest of the plunder of that city, and was sent by them to Sweden. In the reign of Christina it found its way, it is not known by what means, into Holland. It is the opinion of some that it was presented by Christina to Isaac Vossius; while others think that this learned man packed it up with his baggage in returning from Sweden, probably in consideration that the manuscript was defective in that part which contained the translation of the eighth commandment. Be this as it will, it was bought in Holland by the Swedish chancellor, Magnus Gabriel de la Gardie, who presented it to the university of Upsal, where it still exists, and is justly reputed one of the most valuable fragments of ancient literature.

The fragments of the Gospels contained in the *Silver Manuscript* have been three or four times published. In the year 1758, F. A. Knittel discovered another fragment of the Gothic version of Ulphilas in the ducal library at Wolfenbüttel, and what deserves to be mentioned as a very singular coincidence with the discoveries of Mr. Maio, the fragment of Ulphilas found by Knittel in the library of Wolfenbüttel was also in a *Codex Rescriptus*. It had been originally written in the Gothic character, and with a parallel Latin version, but had been effaced to make room for the *Origines* of Isidore Hispalensis. This discovery was immediately announced by Knittel, in a program, and the fragments published two or three years afterwards. They consist merely of a few parts of chapters of the Epistle to the Romans, but furnish the groundwork of a clever quarto volume in the hands of Knittel.

* See on this subject Michaelis *Introduction*, iii. 130 et seqq., and Rosenmüller *Handbuch für die Literatur der biblischen Kritik und Exe-
gese*, iii. 158.

Such was the situation of things, in relation to our documents in the Gothic language, when Mr. Maio announced at Milan the splendid discovery of farther portions of this venerable version, by a notice in the journals in the month of September 1817, called *avis concernant une nouvelle decouverte d'Ulphilas dans la bibliotheque ambrosienne*. The work, of which we have placed the title at the head of our article, is a specimen of this discovery; and it appears from the apology, which Mr. Maio and his collaborator make for the possible imperfections of their work, that it was prepared in the space of two months,—a preparation of which a part was the learning of the Gothic language!

It appears from the notice of this specimen in the *Göttingen Journal* for March 1820, and which seems to be from the pen of Mr. Grimm of the library at Cassel, well known to those conversant in these studies, as one of the most successful cultivators of the ancient Teutonic dialects, that the portions of the version of Ulphilas retrieved by Maio were found scattered in five different manuscripts in the Ambrosian library. They are described as follows:

1. A quarto manuscript of 204 pages, containing the homilies of St. Gregory on Ezekiel. These homilies were apparently written in the eighth century, and the manuscript was prepared by effacing the Gothic version of considerable parts of Paul's Epistles.
2. A quarto manuscript of the eighth or ninth century, containing the Commentary of St. Jerome on Isaiah. This also was originally written with the Gothic version of some of the Pauline epistles.
3. Is a Latin manuscript, of which the original contents were portions of the Gothic Ezra and Nehemiah.
4. An old Latin manuscript of the Gospels, contains, on a single leaf, a fragment of the Gothic version of St. Matthew, and joining by a remarkable coincidence to the fragments of the 'Silver Manuscript.'
5. A folio manuscript of the Acts of the Council of Chalcedony, contains ten re-written pages of some Gothic homilies of an unknown author, in which are quoted several passages of the gospels. It is said, in subsequent accounts, that since the Abbé Maio's removal from the Ambrosian library at Milan to the Vatican at Rome, he has discovered more of these Gothic homilies, and thus contributed still farther to

enlarging the stock of materials, for the study of the antiquities of the English language. It is to be regretted that so little of the Old Testament has as yet been retrieved.

The eyes of the learned world are on the researches which Mr. Mai is now making in the Vatican; and if their importance be to that of his discoveries at Milan, in the proportion of the stores in these two libraries, we may almost hope to go behind the Alexandrian canon, and recover works not only now lost, but nearly so in the early centuries of the christian era.

ART. XXII.—*Inquiry into the Relation of Cause and Effect.*

By Thomas Brown, M. D. F. R. S. Edinburgh, &c. Professor of Moral Philosophy in the University of Edinburgh. Third edition. Edinburgh, 1818. 8vo, pp. 569.

A WHOLE article of solid metaphysics is a phenomenon, that perhaps requires apology, as well as explanation. We will therefore briefly submit our reasons for its appearance.

The philosophy of the late lamented Dr. Brown is scarcely known in this country. It was presumed that considerable interest would attach among us to the speculations of the successor of Dugald Stewart, whose own work on the Mind has passed, we believe, through as many editions in the United States as in Great Britain, and who is well known, on becoming *emeritus*, to have warmly recommended Dr. Brown to the chair of moral philosophy in the university of Edinburgh. But farther, there is a vague belief among those who are but partially acquainted with the nature of the late professor's speculations, that they coincided too nearly with the dangerous parts of the philosophy of David Hume. A faithful analysis of the work before us will correct this error, and redeem Dr. Brown's reputation. Still further, an unjust and indiscriminate censure has overwhelmed the whole system of Hume itself with relation to the doctrine of Cause and Effect. When Professor Leslie, in consequence of having expressed his approbation of certain portions of that system, encountered from the ministers of Edinburgh strong opposition to his pretensions as candidate for a chair in the university, the nucleus of the present volume was published in a pamphlet form, and by distinguishing what was sound from